

Tippecanoe County Drainage Board

March 4, 2015

ALONZO TAYLOR #77

REGULATED DRAIN

LANDOWNER HEARING MINUTES

Those present were:

Tippecanoe County Drainage Board President David S. Byers, Vice President Tracy Brown, member Thomas P. Murtaugh, County Surveyor Zachariah Beasley, Drainage Board Attorney Doug Masson, Drainage Board Secretary Brenda Garrison and Drainage Board Engineering Consultant Dave Eichelberger from Christopher B. Burke Engineering LLC. Evan Warner-G.I.S. Technician and James Butcher-Project Manager, both with the Surveyor Office, were also in attendance.

The President David Byers referred to the Surveyor regarding the Alonzo Taylor #77 Regulated Drain Reconstruction Report. The Surveyor read his report into the minutes as follows: The Alonzo Taylor Regulated Drain #77 was referred to the County Surveyor by the Tippecanoe County Drainage Board on December 7, 2011. The Alonzo Taylor Regulated Drain and its watershed are located in Sections 34 and 35 Township 22 North and Range 6 West in the political township of Wayne and Sections 2 and 3 Township 21 North and Range 6 West in the political township of Jackson, Tippecanoe County, Indiana. The Alonzo Taylor Regulated Drain was organized in 1921 in Tippecanoe County Superior Court, Cause No. 1475, and File Box No. 554. The watershed contains 434.42 acres. A maintenance fund of \$1.00 per acre was established by the Tippecanoe County Drainage Board on the 4th day of April, 1973. On January 4, 2012, the maintenance rate was increased by twenty-five percent (25%) to \$1.25 per acre in accordance with IC 36-9-27-42. I have personally walked, driven, talked with landowners, and inspected the Alonzo Taylor drainage system per the request of the landowners who signed the petition. It is my professional judgment to accomplish the wishes of the landowners, and based on my investigation, a new main tile system should be installed. Additionally, INDOT will pay 100% of the cost to replace the three (3) branch tile lines under State Road 25. To reach this goal a combined total of approximately 13,341 lineal feet of 18", 15" and 12" diameter tiles will be installed combined with other miscellaneous items. It is the judgment of the Tippecanoe County Surveyor that a sum of approximately \$152,473.50 is needed to reconstruct and improve the Alonzo Taylor drainage system. (INDOT will pay a one-time lump sum total up to \$36,000.00. The remaining \$116, 473.50 will be paid by the landowners benefited within the watershed). After completion of the project there will be 13,341 lineal feet of main and branch tile under maintenance. The existing (old) line south of County Road 750S and three (3) branches are here on vacated. An assessment of \$54.00 per acre and a \$50.00 minimum over a five year period is recommended. This will generate \$117,535.33 over a five year period. Assuming the reconstruction and improvements are completed and the General Drain Improvement Fund has been repaid after the five year period, the Tippecanoe County Surveyor recommends the per acre assessment be lowered to a maintenance rate of \$3.00 per acre and a \$25.00 minimum, with an eight (8) year collection total. Respectfully, Zachariah E. Beasley

The President asked for public comment. There was none.

He then referred to the Attorney for reading of the Board's findings and Order for the Alonzo Taylor Regulated Drain #77 Reconstruction. The Attorney read the following, based on the evidence, into the official record: Before the Tippecanoe County Drainage Board in the matter of the Alonzo Taylor #77 Regulated Drain: Findings and Order (Reconstruction and Annual Maintenance) This matter came to be heard upon the reconstruction report and schedule of assessments prepared by the Tippecanoe County Surveyor and filed on December 3, 2014. The Certificate of Mailing of notice of time and place of hearing, to all affected landowners was filed. Notice of publication of time and place of hearing in the Journal and Courier, Lafayette Indiana were filed. Remonstrances were not filed. Evidence was presented by the Tippecanoe County Surveyor and some landowners affected were present. A list of those present is filed herewith. After consideration of all the evidence, the Board does now FIND THAT:

- (1) The reconstruction report of the Tippecanoe County Surveyor and schedule of assessments were filed in the office of the Surveyor on December 3, 2014.
- (2) Notice of filing of the reconstruction report and the schedule of assessments and their availability for inspection and the time and place of this hearing was mailed to all those landowners affected more than thirty (30) and less than forty (40) days before the date of this hearing.
- (3) Notice of the time and place of this hearing was given by publication in the Journal & Courier newspaper of general circulation in Tippecanoe County, Indiana more than ten (10) days prior to this hearing.
- (4) The legal drain consists of 0 feet of open ditch.
- (5) The present condition of the drain is poor and in need of repair.


- (6) The ditch needs the following reconstruction at present:
A new main tile system consisting of 13,341 lineal feet of 18", 15" and 12" diameter tiles is needed. Per agreement the Indiana Department of Transportation (INDOT) will pay the cost for three (3) branch tile lines under State Road 25. The existing (old) line south of County Road 750 South and three (3) branches are to be vacated.
- (7) There is now \$0.00 owed to the General Drain Fund for past maintenance on this ditch.
- (8) The ditch drains 434.42 acres total.
- (9) The total cost of reconstruction is estimated to be \$152,473.50. In lieu of a single lump sum reconstruction assessment, reconstruction costs will be paid from the General Drain Fund and the landowners will be assessed for the reconstruction costs. The General Drain Fund shall be repaid from the Alonzo Taylor #77 Reconstruction Fund for costs of this reconstruction. Estimated annual cost of reconstruction is \$23,507.07. \$36,000.00 of the estimated total reconstruction cost will be paid by Indiana Department of Transportation (INDOT); leaving a balance of \$116,473.50 to be paid by landowners located within the watershed. Estimated annual cost of maintenance is \$9,600.80.
- (10) Estimated annual benefits to the land drained exceeds repair and reconstruction costs. The affected land will benefit equally from the reconstruction, and none of the land will be damaged by the reconstruction.
- (11) A fund for reconstruction should be established and a fund for annual maintenance re-established.
- (12) In order to provide the necessary reconstruction and maintenance fund, an assessment of \$54.00 per acre and a \$50.00 minimum for reconstruction over a five (5) year period is recommended. Assuming the reconstruction and the General Drain Improvement Fund has been repaid after the five (5) year period, a maintenance rate of \$3.00 per acre and a \$25.00 minimum within an eight (8) year collection period are recommended.
- (13) The assessment list filed herewith should not be amended.
- (14) The assessment list filed herewith is fair and equitable and should be adopted.
- (15) The assessment should be collected with the **May 2016** taxes.

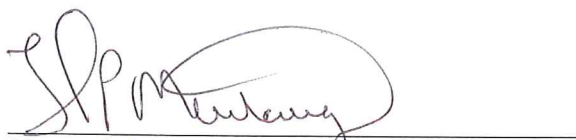
NOW, THEREFORE, IT IS ORDERED THAT:

- (1) A reconstruction be established and a maintenance fund be re-established for the ALONZO TAYLOR #77 Regulated Drain. The reconstruction fund is established at the annual rate of \$54.00 per acre with a \$50.00 minimum over a five (5) year period. A maintenance rate of \$3.00 per acre and a \$25.00 minimum within an eight (8) year collection period is re-established.
- (2) The Schedule of Assessments filed herewith are adopted and made a part thereof.
- (3) The first annual assessment shall be collected with the **May 2016** taxes.

Dave Byers asked for any comments regarding the findings of the Board. There were none. Tracy Brown made a motion to approve the Alonzo Taylor #77 Regulated Drain Reconstruction project. Tom Murtaugh seconded the motion. Motion carried. Tom Murtaugh made the motion to adjourn. The meeting was adjourned.


David S. Byers, President


Tracy Brown, Vice President


Thomas P. Murtaugh, Member


Brenda Garrison, Secretary